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11 FABIAN GARCIA-PALACIO

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14 IN THE UNITED STATES DISTRICT COURT  
15 FOR THE EASTERN DISTRICT OF CALIFORNIA

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17 UNITED STATES OF AMERICA,  
18 Plaintiff,  
19 vs.  
20 FABIAN GARCIA-PALACIO,  
21 Defendant,

22 Case No. 1:20-mj-00074-SKO  
23 STIPULATION TO MODIFY TERM OF  
24 PRETRIAL RELEASE; ORDER  
25 JUDGE: Hon. Sheila K. Oberto

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27 **IT IS HEREBY STIPULATED** by and between the parties hereto through their respective  
28 counsel, that Fabian Garcia-Palacio's order of pretrial release be modified in that Mr. Garcia-  
Palacio's location monitoring condition be changed from home incarceration to a curfew.

29 On July 23, 2020, Mr. Garcia-Palacio was released on pretrial supervision with location  
30 monitoring with home incarceration, and a \$2,000.00 cash bond. Since that time, he has  
31 appeared in court when required, he is participating in substance abuse treatment, he has  
32 maintained a stable residence with his mother/third-party custodian and siblings, he has not had  
33 any contact with law enforcement, he has not had contact with co-defendants, and he has  
34 complied with all of the rules and regulations of Pretrial Services, including the requirements of  
35 location monitoring program.

36 Mr. Garcia-Palacio is also participating in the Better Choices Court Program and has his  
37 4th appearance scheduled for December 16, 2020. He is scheduled to resume adult education

1 courses in January to obtain his high school diploma and is hoping to be able to start working in  
2 order to help out his family. One aspect of the Better Choices Court Program is for participants  
3 to become more responsible, and securing gainful employment is one area that the program  
4 focuses on.

5 Pretrial Services has spoken with Mr. Garcia-Palacio's mother/third-party custodian at  
6 length, and she feels comfortable with the reduced restrictions and feels confident that the  
7 defendant will continue to comply with all conditions of release and will ensure he is only  
8 leaving the house for employment or appropriate reasons. Based on these factors, and the fact  
9 that he is still subject to a \$2,000.00 secured cash bond, Pretrial Services recommends changing  
10 the location monitoring condition from home incarceration to a curfew. The proposed curfew  
11 would be 7:00 p.m. to 7:00 a.m.

12 All other conditions remain in full force and effect. Supervising Pretrial Services Officer  
13 Frank Guerrero has no objection to the requested modification. The Government does not object.

14 Respectfully submitted,

15 MC GREGOR SCOTT  
16 United States Attorney

17 DATED: December 16, 2020

18 /s/ Justin J. Gilio  
19 JUSTIN J. GILIO  
Assistant United States Attorney  
Attorney for Plaintiff

20 DATED: December 16, 2020

21 HEATHER E. WILLIAMS  
Federal Defender

22 DATED: December 16, 2020

23 /s/ Benjamin Gerson  
24 BENJAMIN GERSON  
Assistant Federal Defender  
Attorneys for Defendant  
FABIAN GARCIA-PALACIO

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## ORDER

**IT IS SO ORDERED** that the conditions of Mr. Garcia-Palacio's pretrial release be modified from home incarceration to curfew, such curfew extending from 7:00 p.m. to 7:00 a.m. daily. All other conditions remain in full force and effect.

IT IS SO ORDERED.

Dated: December 16, 2020



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**UNITED STATES MAGISTRATE JUDGE**

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